

February 15, 2013

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
February 15, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 18, 2013

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON JANUARY 18, 2013?

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	130.....	14
Agriculture	325.....	16
Arts Council	17.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,512.....	107
Children and Family Services	2,783.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	376.....	69
Commerce Commission	73.....	0
Corrections.....	11,123.....	105
Criminal Justice Authority	58.....	5
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	88.....	5
Employment Security.....	1,678.....	31
Environmental Protection Agency.....	809.....	16
Financial & Professional Regulation.....	441.....	43
Gaming Board.....	141.....	6
Guardianship and Advocacy	102.....	7
Healthcare and Family Services	2,068.....	25
Historic Preservation Agency.....	164.....	15
Human Rights Commission.....	14.....	2
Human Rights Department.....	134.....	8
Human Services	11,480.....	78
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance	235.....	14
Investment Board	3.....	2
Juvenile Justice.....	1,156.....	23
Labor.....	87.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.	15.....	2
Lottery.....	139.....	7
Military Affairs	116.....	3
Natural Resources	1,099.....	27
Pollution Control Board	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	27.....	1
Public Health.....	1,067.....	40
Racing Board.....	3.....	1
Revenue.....	1,631.....	51
State Fire Marshal	129.....	12
State Police.....	1,104.....	7
State Police Merit Board	5.....	1
State Retirement Systems.....	94.....	2
Transportation	2,359.....	0
Veterans' Affairs.....	1,306.....	9
Workers' Compensation Commission.....	130.....	8
TOTALS	44,350.....	836

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Illinois Department of Employment Security – Proposed Exemption (continued from January 18, 2013 meeting)

Position Number	40070-44-30-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Services Bureau
Functional Title	Chief Technology Officer
Incumbent	Vacant
Supervisor	Chief Information Officer who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Workers’ Compensation Commission – Proposed Exemption (continued from January 18, 2013 meeting)

Position Number	40070-50-37-011-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Insurance Compliance
Functional Title	Manager of Insurance Compliance Outreach Program
Incumbent	Vacant
Supervisor	Insurance Compliance Manager who reports to the Chairman
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Human Rights – Proposed Exemption

Position Number	40070-49-10-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Chief Fiscal Officer
Incumbent	Lynne Turner
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Insurance – Proposed Exemption

Position Number	37015-14-02-110-00-01 ¹
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	Laura Jaskierski
Supervisor	Legislative Director who reports to the Director
Location	Cook County

CMS Recommendation: “This position was declared exempt for a limited time period expiring on March 15, 2013. This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(30) exemption.”

G. Illinois Department of Juvenile Justice – Proposed Exemption

Position Number	40070-27-00-001-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Chief of Intergovernmental Relations
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Chief Technology Officer (Employment Security)**
- D: Manager of Insurance Compliance Outreach Program (Workers’ Compensation Commission)**
- E: Chief Fiscal Officer (Human Rights)**
- F: Legislative Liaison (Insurance)**
- G: Chief of Intergovernmental Relations (Juvenile Justice)**

¹ This position was granted exemption for a period of two years, expiring March 15, 2013.

H. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

On January 8, 2013 the Executive Director sent notice to the Director of Central Management Services of the proposed rescissions of two current 4d(3) exempt positions which may no longer meet the requirements for exemption. The proposed rescission issues were first raised by agency staff in conjunction with separate exemption requests. Section 1.142(b) provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency.

Item	Agency	Position Number	Functional Title
H1	Historic Preservation	40070-48-20-000-00-01	Manager, Historic Sites
H2	Workers' Compensation	40070-50-37-040-00-01	Education and Research Manager

WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

H1: Manager, Historic Sites (Historic Preservation)

H2: Education and Research Manager (Workers' Compensation Comm.)

VI. CLASS SPECIFICATIONS

The following class titles were submitted for revision by the Director of the Illinois Department of Central Management Services:

A. Current Position Titles

- Chemist 1
- Chemist 2
- Chemist 3

Classification Analysis: "This series was last revised in 2004. The sharply defined differences between the Chemist and the Clinical Laboratory Technologist series of positions were raised as an issue in the collective bargaining realm, and there was an agreement to study the need for changes in the way the two series are defined. When the two series were developed, the intention was to clearly provide the different orientations to the type of work activity performed, not to preclude the application of closely related work skills to a wider range of laboratory tests within a lab setting. With variations in workload and reduced staffing levels, it becomes necessary to make temporary assignment changes based on work demands, processing time constraints, and other

concerns in carrying out normal laboratory operations. The class specifications were never intended to constrain the process of controlling work priorities or balancing workloads for efficiency or timeliness of work outputs.

The exclusionary definitions have been changed in the classes to preclude confusion over work to be performed. Our position classifiers will still be able to apply the series without difficulty, so the intended changes appear warranted.

Last master contract negotiations resulted in the ‘semi-automatic’ advancement of Chemist 1 positions to the 2-level. We chose to leave the lead worker work role as a level differentiating criterion between the Chemist 1 and Chemist 2, noting that positions have been assigned this added responsibility in the past, and feel that this is an indication that the level of work at the 2-level should be comparable in level of difficulty to that of the lead over lower level professionals when the chemistry results are less open to interpretation.”

WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2013?

Chemist 1

Chemist 2

Chemist 3

B. Current Position Titles

Clinical Laboratory Technologist Trainee

Clinical Laboratory Technologist 1

Clinical Laboratory Technologist 2

Classification Analysis: “The series was last revised in 1997. Changes have been made to remove references which imply that a Clinical Laboratory Technologist is not capable of performing lab work on materials of non-human origin. This was originally a misunderstanding that led to concerns over what work is appropriate to this series of positions, leading to this review of the classes of positions. Several changes have been prepared to clarify the scope of work in this class series. The trainee level provides an entry and development level position describing the performance of lab work characteristic of a particular lab operation. The second level of the series, the Clinical Laboratory Technologist 1, includes positions at the full working level, and the third level describes the designated lead worker position over lower level professional technologists in a larger laboratory setting.

References to working with ‘controversial diseases’ have been removed from the series, as this was found to be uncharacteristic of the way work is assigned in the laboratory settings.”

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WILL THE COMMISSION APPROVE THE REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2013?

Clinical Laboratory Technologist Trainee

Clinical Laboratory Technologist 1

Clinical Laboratory Technologist 2

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VII. **MOTION TO CLOSE A PORTION OF THE MEETING**

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VIII. RECONVENE THE REGULAR OPEN MEETING

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	12/31/12	1/31/13	1/31/12
Aging	1	0	0
Central Management Services	1	0	1
Children and Family Services	4	3	2
Employment Security	0	1	11
Healthcare and Family Services	5	2	2
Historic Preservation Agency	0	0	1
Human Services	2	1	1
Insurance	0	1	0
Natural Resources	3	4	6
Revenue	2	5	0
State Fire Marshal	0	0	1
State Police Merit Board	0	1	0
Transportation	0	4	3
Veterans' Affairs	0	2	0
Totals	18	24	28

X. INTERLOCUTORY APPEAL

S-12-13

Employee	Marie Dismukes	Appeal Date	09/13/12
Agency	Juvenile Justice	Decision Date	02/01/13
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Agency rescinded the suspension	Proposal for Decision	Grant the Motion to Dismiss for no jurisdiction.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-11-13

Employee	Mark Bacarella	Appeal Date	09/10/12
Agency	Transportation	Decision Date	02/01/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DR-10-13

Petitioner	Healthcare and Family Services	Appeal Date	09/07/12
		Decision Date	01/14/13
Type	Declaratory Ruling	ALJ	Andrew Barris
Ruling Requested	Interpretation of final decision of the Commission in RV-49-11	Proposal for Decision	Sarah Sullivan's salary should be \$4,388 as of July 16, 2010

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

The next regular open meeting is to be held on Friday, March 15, 2013 at 10:30 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN